

AMENDMENTS TO THE CLAIMSLISTING OF CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1 (Currently Amended). A data sending receiving apparatus comprising:

a first storage ~~unit~~ means for holding data including a plurality of contents;

a retrieval ~~unit~~ means for retrieving the data stored in said first storage ~~unit~~ means;

a first sending receiving ~~unit~~ means for sending the data retrieved by said retrieval ~~unit~~ means, said first sending receiving ~~unit~~ means receiving a request information for a content from a user and supplying the received request information to said retrieval ~~unit~~ means

a decision ~~unit~~ means for checking whether the data sent from said first sending receiving ~~unit~~ means is data corresponding to a new content;

a second sending receiving ~~unit~~ means for receiving the data sent from said first sending receiving ~~unit~~ means and for sending the request information;

a second storage ~~unit~~ means for storing data received by said second sending receiving ~~unit~~ means; and

~~a controller~~ control means for controlling said second storage ~~unit~~ means to store the data automatically when results of checking by said decision ~~unit~~ means verify that

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the data sent from said first sending receiving ~~unit~~ means is data corresponding to new content,

wherein said first sending receiving ~~unit~~ means and said second sending receiving ~~unit~~ means are connected to an electronic communication network.

Claim 2 (Currently Amended). The data sending receiving apparatus according to claim 1, wherein said second sending receiving ~~unit~~ means further includes a reproducing ~~unit~~ means and wherein, when the results of the check by said decision ~~unit~~ means indicates data other than data newly stored in said first storage ~~unit~~ means, said reproducing ~~unit~~ means reproduces the data sent from the first sending receiving ~~unit~~ means.

Claim 3 (Currently Amended). The data sending receiving apparatus according to claim 1, wherein said first sending receiving ~~unit~~ means, when sending data retrieved by said retrieval ~~unit~~ means, appends supplementary data indicating that the data is data newly stored in said first storage ~~unit~~ means when the data sent is the data newly stored in said first storage ~~unit~~ means.

Claim 4 (Currently Amended). The data sending receiving apparatus according to claim 3 wherein said decision ~~unit~~ means checks whether the data sent from said first storage ~~unit~~ means is the data newly stored in said first storage ~~unit~~ means.

Claim 5 (Currently Amended). The data sending receiving apparatus according to claim 1 wherein said second sending receiving ~~unit~~ means generates the request information from the user inclusive of data specifying an intention of the user to make payment and sends the generated information to said first sending receiving ~~unit~~ means.

Claim 6 (Currently Amended). The data sending receiving apparatus according to claim 5 wherein said first sending receiving ~~unit~~ means switches a sending mode to said second sending receiving ~~unit~~ means for data retrieved by said retrieval ~~unit~~ means based on data specifying the intention of the user to make payment sent from the second sending receiving ~~unit~~ means.

Claim 7 (Currently Amended). The data sending receiving apparatus according to claim 6 wherein said first sending receiving ~~unit~~ means switches the sending mode to the second sending receiving ~~unit~~ means based on data specifying the intention of the user to make payment sent from the second sending receiving ~~unit~~ means when the data retrieved by said retrieval ~~unit~~ means is the data newly stored in said first sending receiving ~~unit~~ means.

Claim 8 (Currently Amended). The data sending receiving apparatus according to claim 7 wherein said first sending

receiving ~~unit~~ means sends to said second sending receiving ~~unit~~ means data newly stored in said first sending receiving ~~unit~~ means with a same data quality as a data quality in sending other data stored in said first storage ~~unit~~ means when the data specifying the intention of the user to make payments for the request information from the user sent from the second sending receiving ~~unit~~ means indicates that the user is willing to make the payments.

Claim 9 (Currently Amended). The data sending receiving apparatus according to claim 8 wherein said first sending receiving ~~unit~~ means sends to said second sending receiving ~~unit~~ means data newly stored in said first sending receiving ~~unit~~ means with a data quality lower than a data quality in sending other data stored in said first storage ~~unit~~ means when the data specifying the intention of the user to make payments for the request information from the user sent from the second sending receiving ~~unit~~ means indicates that the user is not willing to make the payments.

Claim 10 (Currently Amended). The data sending receiving apparatus according to claim 1 wherein said second sending receiving ~~unit~~ means generates the request information from the user inclusive of genre designation information to send the generated information to said first sending receiving ~~unit~~ means.

Claim 11 (Currently Amended). The data sending receiving apparatus according to claim 10 wherein said second sending receiving ~~unit~~ means, when reproducing data stored in said storage ~~unit~~ means, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said first storage ~~unit~~ means when the user is willing to make a payment.

Claim 12 (Currently Amended). The data sending receiving apparatus according to claim 11 wherein said second sending receiving ~~unit~~ means, when reproducing data stored in said second storage ~~unit~~ means, sends information concerning the payment to said first sending receiving ~~unit~~ means when the user is willing to make the payment.

Claim 13 (Currently Amended). The data sending receiving apparatus according to claim 12 wherein said first sending receiving ~~unit~~ means performs accounting based on accounting information sent from said second sending receiving ~~unit~~ means.

Claim 14 (Currently Amended). The data sending receiving apparatus according to claim 11 wherein said first sending receiving ~~unit~~ means sends to said second sending receiving ~~unit~~ means data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close to data for playback stored in

second storage ~~unit~~ means.

Claim 15 (Currently Amended). The data sending receiving apparatus according to claim 14 wherein said second sending receiving ~~unit~~ means switches the playback state of data stored in said second storage ~~unit~~ means based on the data specifying that the accounting has come to a close.

Claim 16 (Currently Amended). The data sending apparatus according to claim 11 wherein said second sending receiving ~~unit~~ means discontinues the playback state while reproducing data stored in said second storage ~~unit~~ means when the user has no intention to make the payment.

Claim 17 (Currently Amended). The data sending receiving apparatus according to claim 10 wherein said first sending receiving ~~unit~~ means sends to the retrieving ~~unit~~ means the request information from the user containing the genre designation information sent from the second sending receiving ~~unit~~ means, and wherein said retrieval ~~unit~~ means retrieves data stored in said first storage unit based on the request information from the user containing the genre designation information to send the retrieved data to the second sending receiving ~~unit~~ means.

Claims 18 (Currently Amended). A data receiving apparatus comprising:

a sending receiving ~~unit~~ means for sending request

information for a content from a user to a host side device and for receiving data of contents sent from said host side device;

a storage ~~unit~~ means for storing received data sent by said sending receiving ~~unit~~ means;

a decision ~~unit~~ means for checking whether the sent data from said host side device is data corresponding to a new content; and

~~a controller~~ control means for controlling said storage ~~unit~~ means to store data automatically when results of the checking verify that the data sent from said sending receiving ~~unit~~ means is data corresponding to a new content.

Claim 19 (Currently Amended). The data receiving apparatus according to claim 18, further comprising a reproducing ~~unit~~ means, wherein said control means causes the sent data to be reproduced when the results of the checking indicate that the sent data is data other than data newly stored in said host side device.

Claim 20 (Currently Amended). The data receiving apparatus according to claim 19 wherein said ~~controller~~ control means includes a check ~~unit~~ means for checking whether the sent data is data newly stored in said host side device.

Claim 21 (Currently Amended). The data receiving apparatus according to claim 20 wherein said ~~controller~~

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control means includes means for discriminating, based on supplementary data appended to the sent data for indicating that the data is data newly stored in the host side device, whether the sent data is data newly stored in the host side device.

Claim 22 (Currently Amended). The data receiving apparatus according to claim 18 wherein said sending receiving ~~unit~~ means generates the request information from the user containing data specifying an intention of the user to make payments to send the generated data to said host side device.

Claim 23 (Currently Amended). The data receiving apparatus according to claim 18 wherein said sending receiving ~~unit~~ means generates the request information from the user containing the genre designation information to send the generated information to said host side device.

Claim 24 (Currently Amended). The data receiving apparatus according to claim 23 wherein when data stored in said storage ~~unit~~ means is to be reproduced and the user has an intention to make payments, the data is reproduced in a reproducing state similar to a reproducing state for reproducing data other than said data newly stored in said host side device.

Claim 25 (Currently Amended). The data receiving apparatus according to claim 24 wherein when data stored in

said storage ~~unit~~ means is to be reproduced and the user has the intention to make payments, accounting information is sent from said sending receiving ~~unit~~ means to said host side device.

Claim 26 (Currently Amended). The data receiving apparatus according to claim 25 wherein, after an accounting comes to a close based on the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said storage ~~unit~~ means.

Claim 27 (Currently Amended). The data receiving apparatus according to claim 26 wherein the playback state of data stored in said storage ~~unit~~ means is switched based on said accounting data.

Claim 28 (Currently Amended). The data receiving apparatus according to claim 24 wherein when reproducing data stored in said storage ~~unit~~ means and the user has no intention to make payments, the reproducing state is discontinued.

Claims 29-51 (Canceled).

Claim 52 (Currently Amended). The data sending receiving apparatus according to claim 1, wherein said retrieval means

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retrieves said new content that is data that has been put on sale or publicized only recently.

Claim 53 (Currently Amended). The data sending receiving apparatus according to claim 52, wherein said retrieval means retrieves said new content data that is data received within a preset time period from a date on which the data has been put on sale or publicized.

Claim 54 (Currently Amended). The data sending receiving apparatus according to claim 1, wherein said decision means checks whether said new content is data that is not received by said second sending receiving unit.

Claim 55 (Currently Amended). The data sending receiving apparatus according to claim 18, wherein said decision means checks whether said new content is data that has been put on sale or publicized only recently.

Claim 56 (Currently Amended). The data sending receiving apparatus according to claim 55, wherein said decision means checks whether said new content is data received within a preset time period from a date on which the data has been put on sale or publicized.

Claim 57. (Currently Amended) The data sending receiving apparatus according to claim 18, wherein said decision means checks whether said new content is data that is not received

by said sending receiving unit.

Claim 58. (New). A data sending receiving method comprising the steps of;

first sending a request information for a content from a user;

first receiving the request information;

retrieving the data stored in a storage based on the request information;

secondly sending the data retrieved by said step of retrieving;

secondly receiving the data sent by said secondly sending step;

checking whether the data sent from said secondly sending step is data corresponding to a new content;

storing data automatically when results of checking in said step of checking verify that the data sent in said step of secondly sending is data corresponding to new content;

Claim 59 (New). A data receiving method comprising the steps of;

Sending request information for a content from a user to a host side device and receiving data of contents sent from said host side device;

storing receiving data sent by said step of sending;

checking whether the sent data from said host side device is data corresponding to a new content; and

controlling said step of storing to store data automatically when results of the step of checking verify that

the data sent in said step of sending is data corresponding to ^{7217/57274}
a new content.